

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-409 GMS
	:	
M.A. HANNA PLASTICS GROUP, INC.	:	
WILMINGTON ECONOMIC	:	
DEVELOPMENT CORPORATION,	:	
AND SIDNEY AND CAROL MAFFETT,	:	
	:	
Defendants.	:	

**SIDNEY AND CAROL MAFFETT'S ANSWER AND AFFIRMATIVE DEFENSES TO  
CROSS-CLAIMS OF WILMINGTON ECONOMIC DEVELOPMENT CORPORATION**

COME NOW THE DEFENDANTS, Sidney and Carol Maffett (hereafter "Maffetts" or "Answering Defendants"), by and through their counsel, Parkowski, Guerke & Swayze, P.A., and answers the crossclaims asserted by Wilmington Economic Development Corporation, stating as follows:

44. Upon information and belief, Answering Defendants admit the allegation.
45. Upon information and belief, Answering Defendants admit the allegation.
46. Upon information and belief, Answering Defendants admit the allegation.
47. Upon information and belief, Answering Defendants admit the allegation.
48. Upon information and belief, Answering Defendants admit the allegation.
49. Admitted.
50. Admitted
51. Paragraph 51 states a legal conclusion denied as to the Answering Defendants.

**COUNT I – CERCLA CONTRIBUTION**

52. Answering Defendants restate their Answers to Paragraphs 44 through 51 as if set forth more fully herein.

53. Denied as to Answering Defendants.

**COUNT II – DECLARATORY RELIEF UNDER CERCLA**

54. Answering Defendants restate their Answers to Paragraphs 44 through 53 as if set forth more fully herein.

55. Denied as to Answering Defendants.

56. Denied as to Answering Defendants.

**COUNT III – BREACH OF CONTRACT**

57. Answering Defendants restate their Answers to Paragraphs 44 through 56 as if set forth more fully herein.

58. Answering Defendants lack sufficient information to admit or deny the allegation.

59. Answering Defendants lack sufficient information to admit or deny the allegation.

60. Answering Defendants lack sufficient information to admit or deny the allegation.

61. Answering Defendants lack sufficient information to admit or deny the allegation.

62. Answering Defendants lack sufficient information to admit or deny the allegation.

63. Answering Defendants lack sufficient information to admit or deny the allegation.

64. Answering Defendants lack sufficient information to admit or deny the allegation.

65. Answering Defendants lack sufficient information to admit or deny the allegation.

**COUNT IV – INDEMNIFICATION**

66. Answering Defendants restate their Answers to Paragraphs 44 through 65 as if set forth more fully herein.

67. Answering Defendants lack sufficient information to admit or deny the allegation.

**COUNT V – FRAUD**

68. Answering Defendants restate their Answers to Paragraphs 44 through 67 as if set forth more fully herein.

69. Answering Defendants lack sufficient information to admit or deny the allegation.

70. Answering Defendants lack sufficient information to admit or deny the allegation.

71. Answering Defendants lack sufficient information to admit or deny the allegation.

72. Answering Defendants lack sufficient information to admit or deny the allegation.

73. Answering Defendants lack sufficient information to admit or deny the allegation.

74. Answering Defendants lack sufficient information to admit or deny the allegation.

75. Answering Defendants lack sufficient information to admit or deny the allegation.

**FIRST AFFIRMATIVE DEFENSE**

Crossclaimant has failed to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

To the extent that any release of hazardous substances occurred, such release was caused solely by the act or omission of an entity other than Answering Defendants.

**THIRD AFFIRMATIVE DEFENSE**

Answering Defendants assert the affirmative defense under 42 U.S.C. § 9607(b)(3).

**FOURTH AFFIRMATIVE DEFENSE**

Answering Defendants were not the proximate cause of any response costs, injuries, or damages relating to the alleged release or threatened release of hazardous substances giving rise to any liability.

FIFTH AFFIRMATIVE DEFENSE

Answering Defendants asserts an affirmative defense of contributory and/or comparative negligence.

SIXTH AFFIRMATIVE DEFENSE

Any liability on the part of Answering Defendants is secondary to the liability of Crossclaimant who transferred the property to Answering Defendants.

WHEREFORE, Answering Defendants respectfully request that the Court enter judgment in their favor with respect to the asserted cross-claims and dismiss the cross-claims with prejudice.

PARKOWSKI, GUERKE & SWAYZE, P.A.

BY: /s/ Michael W. Arrington (#3603)  
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DATED: September 7, 2006

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M.A. HANNA PLASTICS GROUP, INC.	:	
WILMINGTON ECONOMIC	:	
DEVELOPMENT CORPORATION,	:	
AND SIDNEY AND CAROL MAFFETT,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I, MICHAEL W. ARRINGTON, HEREBY CERTIFY that on this 7th day of September, A.D., 2006, true and correct copies of the attached Answer to Crossclaims of Wilmington Economic Development Corporation were served upon the opposing counsel by e-filing:

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DATED: September 7, 2006